

# 2nd Judicial Circuit

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## County Court Mediation Services

County Court Mediation Services began in the Second Judicial Circuit in the Small Claims Division of Leon County in July 1985. Since its inception the program has expanded to Wakulla County with plans to expand the program to Gadsden County. County Court Mediation Services uses **volunteer** mediators who are certified by the Florida Supreme Court to conduct mediations. Mediation is used as a means for the opposing parties to resolve disputes themselves, rather than resorting to a trial. Annually, the volunteers conduct in excess of 1,400 mediations at a cost avoidance to the public of \$275,000.

### Small Claims Court

Small Claims Court involves lawsuits for a value less than \$5,000. Typical small claims cases involve disputes of money owned, contract, landlord tenant, consumer, auto repair and property damage. After the case is filed, the first court proceeding is called a "pretrial conference." The judge will order mediation at the pretrial conference if the parties are unable to settle their dispute.

### What is Mediation?

Mediation is a process through which parties meet with an impartial third party, the mediator, in an attempt to resolve their differences prior to appearing before the judge. The mediator acts as a facilitator helping the parties to focus on the issues, encouraging discussion between the parties and assisting them in reaching a fair and mutually acceptable and voluntary agreement. The mediator does not make a decision for the parties but helps them in reaching their own decisions. The mediator assists the parties in sorting out the issues and may offer suggestions for consideration. Except for written agreements that are signed by all of the parties, the mediator keeps the contents of the mediation session and any private meetings between the parties confidential. Therefore, any discussion occurring during mediation cannot be used as evidence unless both parties agree. The mediator prepares the mediation agreement for submission to the court. If approved by the court the

mediation agreement becomes part of the final court order. Counsel for the parties may be present at mediation, but their presence is not required.

### **Who are Mediators?**

County Court Mediation Services use volunteers who, upon completion of required training and background review, are certified by the Florida Supreme Court. Mediators are neutral third parties with no personal or financial interest in the case. Mediators do not provide legal or personal advice.

### **Advantages of Mediation**

Mediation affords the opposing parties the opportunity to have a say in the outcome of their case and to actively participate in obtaining a mutually agreeable settlement. Settlement is viewed as fair by both parties. Cases are resolved with one court appearance. Additionally, mediation preserves personal and business relationships, allows debtors to arrange repayment plans, preserves credit reputations, protects privacy, and avoids the preparation and publicity of a trial. The agreement is final and the dispute is resolved.

### **Additional Information**

For more information about County Court Mediation Services, please contact Mark Palmquist, Director of County Court Mediation Services, at 850-509-8690 or Susan Wilson, Senior Deputy Court Administrator, at 850-577-4400 or write to: Office of the Court Administrator; County Court Mediation Services; 301 South Monroe Street, Room 315; Tallahassee, FL 32301.